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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,412	02/20/2004	Sven Bulow	KLAUS2.004AUS	6340

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EXAMINER

JOHNSON, JERROLD D

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,412

Applicant(s)

BULOW, SVEN

Examiner

Jerrold Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-16 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 1 and 8 are objected to because of the following informalities:

Claim 1, line 9, "to align" is grammatically incorrect and would be better served by --the alignment of--. Claim 8 has identical language.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Buchholz et al. US 4,785,953.

Re claims 1 and 8, Buchholz shows a carrier 24, a plurality of inserts 10, second connecting means 48 on the carrier, first connecting means 34 on the insert.

The second connecting means being arranged in, adjacent to, or formed by said at least one location, said first connecting means unambiguously matching with said second connecting means, said unambiguously matching permitting --the alignment of--

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said at least one insert in a predetermined orientation in or on said carrier so as to prevent rotational movement of the at least one insert in the carrier and excluding an incorrect insertion of said at least one insert, and said insert having at least one section (interior) defined for receiving a sample, said at least one section being provided with or adapted for receiving operational means (inherently capable of this) wherein said first connecting means or said second connecting means is adapted to serve as a grip (34 is inherently capable of this) that extends outward from the insert a distance sufficient to permit transfer of the insert by a user or the automated machine while reducing the potential of contact by the user or the automated machine of the contents of the insert.

Re claims 2 and 9, the connecting means are complementary.

Re claims 3 and 10, the connecting means are asymmetric.

Re claims 4 and 11, these claims are a double inclusion and should be cancelled. Note the rejection of claims 1 and 8 above.

Re claims 5 and 12, note Fig. 13.

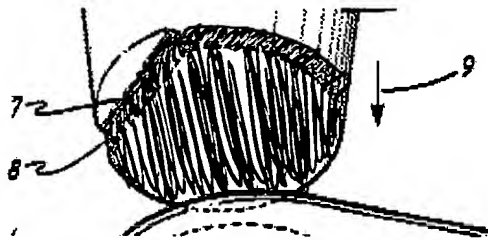
Re claims 6 and 13, see the rejection of claims 1 and 8 above.

Re claims 7 and 14, Buchholz is inherently capable of accommodating these intended uses.

Re method claims 15-16, these claims merely set forth providing the structure of article claims. Note the rejections above.

Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Islip GB 2,240,541.

Re claims 1 and 8, Islip shows a carrier 1, a plurality of inserts 6, second connecting means 5,2 on the carrier, first connecting means (the bottom of the insert including 7,8 and the adjacent portion of the bottom of the insert shown shaded below).



The second connecting means being arranged in, adjacent to, or formed by said at least one location, said first connecting means unambiguously matching with said second connecting means, said unambiguously matching permitting --the alignment of-- said at least one insert in a predetermined orientation in or on said carrier so as to prevent rotational movement of the at least one insert in the carrier and excluding an incorrect insertion of said at least one insert, and said insert having at least one section (interior) defined for receiving a sample, said at least one section being provided with or adapted for receiving operational means (inherently capable of this) wherein said first connecting means or said second connecting means is adapted to serve as a grip (the bottom of the insert is inherently capable of this) that extends outward from the insert a distance sufficient to permit transfer of the insert by a user or the automated machine

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while reducing the potential of contact by the user or the automated machine of the contents of the insert.

Re claims 2 and 9, the connecting means are complementary.

Re claims 3 and 10, the connecting means are asymmetric.

Re claims 4 and 11, these claims are a double inclusion and should be cancelled. Note the rejection of claims 1 and 8 above.

Re claims 5 and 12, insert is releasable.

Re claims 6 and 13, see the rejection of claims 1 and 8 above.

Re claims 7 and 14, Islip is inherently capable of accommodating these intended uses.

Re method claims 15-16, these claims merely set forth providing the structure of article claims. Note the rejections above.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerrold Johnson whose telephone number is 571-272-7141. The examiner can normally be reached on 9:30 to 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JDJ



Mickey Yu
Supervisory Patent Examiner
Group 3700